With regard to the §102(e) rejection, Applicants initially note that the Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The present invention as set forth in the independent claims is generally directed to arrangements involving the assignment of weightings to a set of processing scripts, the processing scripts specifying operations to be performed in processing communications in a switch, such that each of at least a subset of the scripts in the set of processing scripts has a weighting associated therewith, and the selection of a particular one of the processing scripts for application to a given one of the communications in accordance with the assigned weightings. The claims further specify that the assigned weightings are configured to provide a desired usage for at least a portion of each of the processing scripts over a given number of the communications.

Thus, in the claimed invention, weightings are assigned to processing scripts, and particular ones of the scripts are selected for application to communications based on the assigned weightings, such that desired script usage is achieved over multiple communications. It is also important to note that a particular selected processing script in the claimed invention is applied to a given communication.

As will be described below, the Crossley reference fails to teach or suggest such an arrangement.

The Examiner in formulating the §102(e) rejection argues that either the "call campaigns" or the "system scripts" described in Crossley read on the claimed processing scripts. See the Office Action at page 2, section 2. Applicants respectfully disagree with this statement.

Applicants will initially address the call campaigns. The call campaigns in Crossley are not processing scripts, and are explicitly described therein as being distinct from such scripts. For example, Crossley at column 4, lines 50-63, states as follows, with emphasis supplied:

The supervisor/customer establishes both inbound and outbound call campaigns in response to menu-driven prompts provided by the graphical supervisor/customer interface 46. System scripts are generated through a layered approach to define system behavior to the extent necessary for the desired call campaign. The highest layer interface is simply a form to be filled in by the supervisor/customer based on a specific call campaign application, for example, an outbound dialing call campaign versus an inbound call campaign. If a more complex set of criteria is necessary or desired, the supervisor/customer may be presented with a lower layer comprising more complicated forms to allow the supervisor/customer to better define the behavior of the telephony platform 10.

Thus, a script may be used as part of a campaign, but the campaign itself in Crossley is not a script. This is further apparent from, for example, column 3, line 59, to column 4, line 2, of Crossley, which provides as follows, with emphasis supplied:

Telephony resource server 12 comprises various functions, discussed below in greater detail in conjunction with FIG. 2, which interact with the other components of the telephony platform 10 to perform the active call campaigns.

For outgoing call campaigns initiated by the supervisor/customer, telephony resource server 12 obtains a group of call records from a database 21 within a host system 20 via signal path 30. The telephony resource server 12 processes the call records as directed by preselected system scripts and sends a request to digital communication server 14 to dial a telephone number contained within the call record.

Additional description in Crossley differentiating call campaigns from processing scripts can be found in, for example, column 5, lines 4-13, which provides as follows, again with emphasis supplied:

In addition to system scripts, the supervisor/customer generates other campaign parameters for each call campaign, such as how the telephony resource server 12 should respond in the event of a busy dial tone, a no answer dial tone, etc. Further, agent and trunk

parameters are defined by the supervisor/customer, discussed below in greater detail, as well as how the system should process the particular call campaigns. Once the call campaigns have been defined, the supervisor/customer notifies the telephony resource server 12 over signal path 30 that the particular call campaign is ready to start.

It is therefore apparent that a given one of the campaigns referred to in Crossley is not a processing script as claimed. Moreover, as indicated above, the claims indicate that a particular selected processing script is for application to a given communication. It cannot be said that any campaign in Crossley is selected for application to a given communication as claimed. Instead, each of the call campaigns apparently involves multiple communications. See Crossley at, for example, column 5, lines 16-20.

As to the "system scripts" of Crossley allegedly reading on the processing scripts of the claimed invention, Applicants note that Crossley fails to teach or suggest the assignment of weights to particular scripts in a set of system scripts, or the selection of particular scripts for application to communications based on the assigned weightings.

The Examiner further argues that the "pacing ratios" referred to in column 2, lines 47-52, of Crossley correspond to the claimed assigned weightings. However, the pacing ratios in Crossley are clearly applied to call campaigns, and not to individual ones of a set of processing scripts which may be selected for application to a given communication as claimed.

Applicants further note that there is no mechanism in Crossley for assigning weightings to processing scripts, with each of at least a subset of the processing scripts having an associated weighting, so as to provide a desired usage for at least a portion of each of the processing scripts over a given number of communications. As noted above, Crossley teaches that pacing ratios are assigned to call campaigns. There is no assignment of a weighting to any particular processing script of a given campaign in Crossley. Instead, the above-quoted portions of Crossley expressly indicate that a given call campaign comprises not only "preselected system scripts" but also additional information. Neither the call campaigns nor the system scripts of Crossley read on the processing scripts of the claimed invention.

Accordingly, it is believed that Crossley fails to anticipate each and every limitation of independent claims 1, 11 and 12.

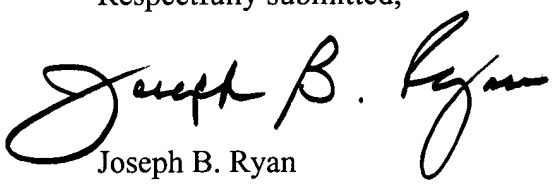
Dependent claims 2 and 7-9 are believed allowable for at least the reasons identified above with regard to independent claim 1.

With regard to the §103(a) rejections, the additional cited references fail to supplement the fundamental deficiencies of Crossley as applied to the independent claims. Thus, dependent claims 3, 4-6 and 10 are believed allowable for at least the reasons identified above with regard to independent claim 1. Moreover, these claims are believed to define additional patentable subject matter relative to Crossley and the other art of record.

In view of the above, Applicants believe that claims 1-12 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

As indicated previously, a Notice of Appeal is submitted concurrently herewith.

Respectfully submitted,



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Enclosure(s): Notice of Appeal